

REMARKS

This paper is responsive to the Restriction Requirement of June 23, 2009. Reconsideration and allowance of claims 1-32 are requested.

ELECTION

The applicant hereby elects the method for deactivating agents in a space, which the Examiner has labeled as Group I, with traverse. Claims 1-10, 12, 17, and 19-32 are contained in the elected Group.

First, claims 31 and 32 have been amended such that they clearly fall in elected Group I. These claims now both depend from and further limit elected method claim 1.

The applicant also traverses the Restriction Requirement relative to Groups III and IV for the reasons set forth below in conjunction with Group II.

It is submitted that the method of claim 1 can only be performed with the apparatus of claim 11, and, conversely, the apparatus of claim 11 can only be used to perform the method of claim 1. It will be noted that claim 11 calls for means for performing each of the steps of method claim 1. Because claim 11 has a means for performing each of the steps of method claim 1, it is submitted that claim 11 must be used to perform the method of claim 1. Note further that claim 14 calls for means for performing the method of claim 5, claim 15 is substantially the same as claim 7, claim 16 calls for a vaporizer for performing the vaporizing step of claim 8, and claim 18 calls for means or structure to perform the method of claim 2.

The Examiner has purported to base the Restriction Requirement on the allegation that the claims do not distinguish patentably over the prior art of record. However, merely because two claims might be rejected in a future Office Action is not a basis for asserting that the claims are restrictable. If such were the case, as soon as allowable subject matter is noted, the basis for restriction would be invalid and the Restriction Requirement would need to be withdrawn.

Election of Species

The applicant notes with appreciation the Examiner's determination that the species A in which the space is an airport concourse is patentably distinct from a species B in which the space is the wing of a building. The applicant elects species A, the species of an airport concourse. Claim 22 is specific to species A. Because airport concourses typically have corridors, offices or rooms, cubicles or laboratories, it is submitted that claim 23 is generic to species A and B. All other claims are generic.

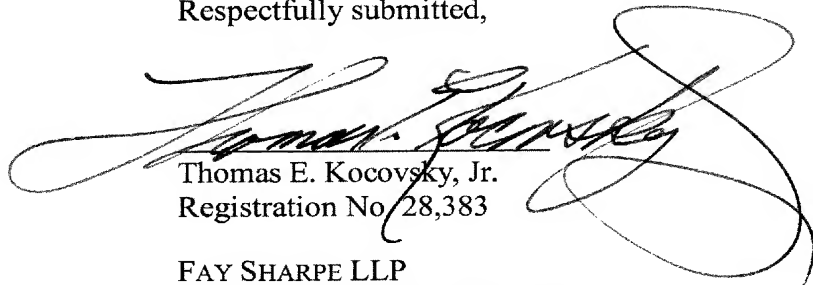
The applicant further expresses appreciation to the Examiner for his determination that the piezoelectric resonator sensor Y and the capacitive sensor Z are patentably distinct. The applicant elects species Y, the piezoelectric resonator sensor. Claim 26 is specific to the elected species. Claim 27 is specific to the non-elected species. All other claims are generic.

CONCLUSION

An early allowance of claims 1-32 (all claims), is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at 216.363.9000.

Respectfully submitted,

A large, stylized handwritten signature in black ink, which appears to read "Thomas E. Kocovsky, Jr.", is written over the typed name and registration number.

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